
Appeal Decision

Site visit made on 28 August 2019

by Andrew Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 18th September 2019

Appeal Ref: APP/D0840/W/19/3230990

Land South of Rosevear, Trembrase, Sennen, Penzance TR19 7BN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr P Maitland against the decision of Cornwall Council.
 - The application Ref PA18/07473, dated 9 August 2018, was refused by notice dated 20 December 2018.
 - The development proposed is the erection of 5 dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect on:
 - a) the character and appearance of the area, and
 - b) surface water drainage.

Reasons

Character and appearance

3. The appeal site comprises an irregularly shaped strip of land immediately to the southwest of a small pocket of residential development. It is close to the Cornwall Area of Outstanding Natural Beauty and is within the St Buryan Area of Great Landscape Value and an area of defined Heritage Coast. It is occupied by a mix of mature vegetation. It stands at the head of a gentle valley that slopes down towards the beach to the west, and rises gently away from the site in other directions. The settlement of Sennen is separated into detached pockets of development, primarily to the north and west of the appeal site, interspersed with open areas of countryside and views towards the sea. Although the development is scattered, and built form is visible from the site in most directions, it is set amongst significant areas of undeveloped land and as such has a low-density rural character.
4. Tree cover in the area is very low. Fields and plots are generally bound by low hedges, fences or stone walls. As a result of this, and the gently undulating topography of the area, existing development is often prominent to view across undeveloped land. In some cases this is intrusive, with few landscape features to offer any form of softening or mitigation. In this respect the wooded character of the appeal site is something of an anomaly, however this increases its value in the local landscape. Although the vegetation has been suppressed

by the exposed maritime environment, and individual trees are not necessarily noteworthy specimens, the vegetated site as a whole forms a prominent green fringe which has value within the landscape and contains the edge of the small developments of Trembrase and Eleni Close. The dwellings at Trembrase are entirely concealed behind the existing vegetation when viewed from many vantage points to the south and west of the site. Although the more recent development of Eleni Close is easily viewed from the west, the vegetation at the site serves as a mature landscape feature which anchors the development within the landscape, and serves to reduce views of what would otherwise be the prominent blank end gable of the dwelling at the southwest corner. It forms a prominent edging feature which rounds off and completes the edge of this small pocket of development.

5. The erection of the proposed dwellings would necessitate the removal of this landscape feature in its entirety, which would increase the spread of development and general urbanisation of the area. Although plots 3 to 5 would be spread out and have a fairly low scale that would relate to the low density of the Trembrase development behind, plots 1 and 2 would have a full two storey form and would be arranged close together with a small gap between two facing gables. This would have a significant adverse effect on the rural character of the area, by extending built form towards open countryside, without the benefit of the existing green fringe which serves to contain the existing built form so successfully.
6. Replacement planting would form part of the scheme. The appellant suggests that existing trees and shrubs would be retained where possible, although this is not indicated on the proposed plans, and would only appear to be possible around the very edge of the site. The appellant also suggests that new planting would be carefully sourced so that it would grow well in this windswept maritime environment. However, this would take a long time to establish, and would only have the form of a thin planted edge to the site, which would otherwise be dominated by the proposed dwellings. Furthermore, some of the garden areas are small, and it would therefore be undesirable for future residents to have planting that is expected to mature to a significant scale, owing to the shading effect it would have on areas of garden and daylight levels within the dwellings.
7. For these reasons I find that the proposal would have a harmful effect on the character and appearance of the area, contrary to Policies 2, 12 and 23 of the Cornwall Local Plan Strategic Policies 2010 – 2030 adopted 2016 (CLP), Saved Policy CC-5 of the Penwith Local Plan 2004 and Paragraphs 127 and 170 of the National Planning Policy Framework (the Framework), which together seek to ensure that development proposals are well designed and respect the character and distinctive landscape qualities of Areas of Great Landscape Value and Heritage Coast.

Surface water drainage

8. The site is identified by the Environment Agency as being susceptible to surface water flooding, and flooding issues have been verified by local residents and the Parish Council. The appellant has submitted additional information in relation to this issue as part of the appeal. This relies on trial pit data from the adjacent site which was recently developed and has similar conditions to the appeal site. In other respects, the additional information submitted appears to

be well evidenced and specific to the characteristics of the appeal site. On this basis I am satisfied that the solution proposed would ensure that surface water at the site would be adequately managed. In any case an appropriately worded condition requiring full details of surface water management could be used as suggested by the Council, were the appeal to succeed.

9. Therefore, the proposal would not have an adverse effect on surface water drainage, and would accord with Policy 26 of the CLP and paragraphs 150 and 163 of the Framework, which seek to ensure that development proposals are designed to enable or replicate natural ground and surface water flows, are not vulnerable to climate change impacts and ensure that flood risk is not increased elsewhere.

Other Matters

10. At the most westerly corner of the site, just outside the site area on the highway verge, is a listed guidepost. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
11. The extent to which the setting of the guidepost contributes to its historic significance is limited. There would be a change from the current vegetated character of the land behind the guidepost to a developed residential plot. However, the proposal includes a traditional Cornish hedge between the guidepost and the nearest proposed dwelling, and some new tree planting in the corner of plot 1 behind the guidepost. Therefore, a modest vegetated backdrop would be retained, and the relationship between the guidepost and the highway, which is a significant aspect of the asset's setting, would be unchanged. For these reasons I am satisfied that the proposal would not harm the significance of the listed structure.
12. There would be some economic and social benefits arising from the proposal were the appeal to succeed. The site is reasonably located to local services and the construction of the dwellings would create employment opportunities. These matters are however not sufficient to outweigh the level of harm I have found in relation to the first main issue.

Conclusion

13. Although I have found that the proposal would not have a harmful effect on surface water drainage this is a neutral matter and does therefore not outweigh the harm I found in relation to the character and appearance of the area. As such, the appeal should be dismissed.

Andrew Tucker

INSPECTOR